

NJAC 7:15-5.1, Wastewater management plan requirement for water quality management plan amendments

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**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.1 Wastewater management plan requirement for water quality management plan amendments

(a) If a proposed WQM plan amendment under N.J.A.C. 7:15-3.4(c) or (g) includes a DTW not identified in the existing WQM plan, or includes an expansion of an existing DTW above the capacity identified in the existing WQM plan, or modifies a wastewater service area delineation in the existing WQM plan, the Governor or his designee shall adopt the amendment only if the amendment otherwise complies with this chapter and consists of, or includes, a wastewater management plan (WMP), or an amendment to a wastewater management plan, that identifies such DTW, expansion, or modified delineation.

(b) The requirement in (a) above applies only to:

1. Wastewater service area modifications that directly affect 100 or more acres, or the disposition of 20,000 gallons or more per day of wastewater; or

2. DTW that requires a NJPDES discharge permit, and that:

i. Directly discharge to surface waters, or onto the land surface (e.g., spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger.

(c) The requirement in (a) above does not apply to WQM plan amendments whose specific purpose or effect is to address projects or activities that are either proposed, constructed, operated or conducted by the State or Federal government, or that are regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), or that are identified in N.J.A.C. 7:15-3.4(h)3.

(d) The Governor or Governor's designee may adopt a WQM amendment affecting a project in (b) above in the absence of a wastewater management plan. This provision is applicable only to proposed amendments that do not involve the identification of a new or expanded treatment works that

discharges sanitary wastewater effluent to surface waters, or a new or expanded industrial wastewater treatment works that will discharge to a waterbody segment for which a TMDL has been adopted in accordance with N.J.A.C. 7:15-7. This provision is applicable only if the Department determines that the proposed project-specific amendment shall not result in significant adverse environmental impact or foreclosure of reasonable wastewater management planning options, and that the requirement of (a) above for a wastewater management plan shall be met through one of the following:

***12434** 1. The wastewater management planning agency provides a binding commitment to the Department to prepare and submit for review a wastewater management plan that meets the requirements of this chapter within six months of the date on which the relevant WQM amendment is adopted; or

2. In the case of a wastewater management plan for a multi-municipal region or county, the wastewater management planning agency provides a binding commitment to the Department to prepare and submit for review a wastewater management plan that meets the requirements of this chapter within a schedule mutually agreed upon by the Department and the wastewater management planning agency, but not to exceed 18 months of the date on which the relevant WQM amendment is adopted.

(e) The deadline in either (d)1 or 2 above shall be set based on adoption of the first amendment that triggers the need for a WMP under (a) above. Additional amendments that would also trigger the need for a WMP under (a) above may be processed prior to expiration of such deadline, but the deadline shall not be extended or provided for another such amendment. If the WMP is not submitted on or before the deadline, no additional amendments shall be processed under this subsection without satisfaction of the WMP requirement.

Amended by R.1997 d.108, effective May 5, 1997.

See: 28 N.J.R. 729(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 29 N.J.R. 2142(a).

In (b)1, increased relevant acreage amount from 10 to 100; and added (d) and (e).

<General Materials (GM) - References, Annotations, or Tables>

ANNOTATIONS

CASE NOTES

Department of Environmental Protection's local waste water management plan regulations do not exceed statutory authority. New Jersey Builders Ass'n v. Fenske, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991). Copyright (c) West Group 1998 No claim to original U.S. Govt. works

NJAC 7:15-5.2, Validity of previously adopted or submitted wastewater management plans

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7:15-5.2 Validity of previously adopted or submitted wastewater management plans

(a) Wastewater management plans adopted between June 1, 1985 and October 2, 1989 shall remain in effect as wastewater management plans in the appropriate areawide WQM plans without the need for further adoption procedures.

(b) The Governor or his designee may, under N.J.A.C. 7:15-3.4, adopt any wastewater management plan that meets the requirements of the former "Policy on Wastewater Management Plans" that was part of the Statewide WQM Plan that the Department adopted on December 5, 1985, but that does not meet the procedural or substantive requirements of this subchapter, if a draft of that wastewater management plan was submitted to the Department prior to October 2, 1989.

Administrative Correction: Added the correct effective date.

See: 22 N.J.R. 2001(b).

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.3, Wastewater management planning agencies, wastewater management plan areas and wastewater management plan responsibility: general statement

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7:15-5.3 Wastewater management planning agencies, wastewater management plan areas and wastewater management plan responsibility: general statement

(a) A "wastewater management planning agency" ("WMP agency") is a governmental unit or other person that has "wastewater management plan responsibility" as defined in (b) below. A "wastewater management plan area" ("WMP area") is the geographic area for which a wastewater management planning agency has "wastewater management planning responsibility".

(b) N.J.A.C. 7:15-5.4 through 5.8 identify governmental units that have "wastewater management plan responsibility" ("WMP responsibility") for the wastewater management plan areas specified in those sections, unless alternative assignments of wastewater management plan responsibility are established under N.J.A.C. 7:15-5.9, "Wastewater management plan responsibility" means the duty to:

1. Prepare, submit, and periodically update a wastewater management plan for the wastewater management plan area; and

2. Provide comments on proposed amendments to wastewater management plans under N.J.A.C. 7:15-3.4.

(c) Wastewater management plans shall be prepared, submitted, and periodically updated only by the wastewater management planning agencies for the corresponding wastewater management plan areas. Such wastewater management planning agencies shall submit wastewater management plans as requests to amend areawide WQM plans in accordance with the procedures specified in N.J.A.C. 7:15-3.4, and in accordance with the schedule specified in N.J.A.C. 7:15-5.23. A wastewater management planning agency may meet its responsibility to prepare and submit wastewater management plans by submitting wastewater management plans prepared by another party on behalf of that wastewater management planning agency.

(d) N.J.A.C. 7:15-5.4 through 5.13 apply notwithstanding any statements about wastewater planning responsibility contained in management agency

designations or WQM Plans, or amendments thereto, issued or adopted before the effective date of this subchapter.

***12437** (e) The identification under this subchapter of wastewater management plan areas and assignments of wastewater management plan responsibility does not, by itself, establish or change the designations of 201 facilities planning areas or 201 facilities planning agencies. Such designations may be established or modified only by specific provisions for that purpose in amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, including but not limited to provisions in wastewater management plans under N.J.A.C. 7:15-5.18(i). The identification of wastewater management plan areas under this subchapter does not establish or change the designation of "planning areas" as defined in N.J.A.C. 7:22-10.1.

(f) Except for wastewater management plans identified in N.J.A.C. 7:15-5.2(a), wastewater management plans and amendments thereof are valid only upon their adoption by the Governor or his designee as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4.

<General Materials (GM) - References, Annotations, or Tables>

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7:15-5.4 Responsibility of designated planning agencies

A designated planning agency shall have wastewater management plan responsibility for a wastewater management plan area consisting of all or part of its designated area, if the governing body of that agency adopts and submits to the Department a resolution requesting such responsibility by December 1, 1989. In wastewater management plan areas identified in such resolutions, no other governmental units shall have wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8.

Administrative Correction: Effective date by December 1, 1989.

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

"Department" was "BWQP".

<General Materials (GM) - References, Annotations, or Tables>

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7:15-5.5 Responsibility of Passaic Valley Sewerage Commissioners

The Passaic Valley Sewerage Commissioners have wastewater management plan responsibility for a wastewater management plan area consisting of the entire Passaic Valley Sewerage District. No other governmental unit shall have such responsibility for any part of that District under N.J.A.C. 7:15-5.6 through 5.8.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.6, Responsibility of sewerage authorities and municipal authorities

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7:15-5.6 Responsibility of sewerage authorities and municipal authorities

(a) Except as provided in (b) or (e) below or in N.J.A.C. 7:15-5.4 or 5.5, every sewerage authority and every municipal authority has wastewater management plan responsibility for a wastewater management plan area consisting of that authority's entire district.

(b) A municipal authority does not have wastewater management plan responsibility if that municipal authority does not perform sewerage-related functions in at least part of its district, and does not request wastewater management plan responsibility. Except as provided in (c) below, a municipal authority performs "sewerage-related functions" if it:

1. Owns, leases, constructs, operates, or maintains sewerage facilities, or is a party to a contract providing for or relating to sewerage facilities;

2. Regulates the construction or use of sewerage facilities;

3. Is a permittee or co-permittee under N.J.A.C. 7:14A for a DTW, or has applied to be such a permittee or co-permittee;

4. Seeks WQM plan amendments for sewerage facilities;

5. Receives or seeks to receive Federal or State financial assistance for sewerage facilities; or

6. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities listed in (b)1 through 5 above.

(c) The activities listed in (b)1 through 6 above shall not be considered "sewerage-related functions" if such activities are:

1. Performed solely to carry out the municipal authority's water supply, solid waste, chemical or hazardous waste, or hydroelectric power functions; or

2. Pertain solely to sewage that arises on property owned or leased by the municipal authority, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by the municipal authority.

(d) The Department may, at any time, send a letter to any municipal authority, requesting that authority to declare in writing to the ORP whether or not that authority performs any of the sewerage-related functions listed under (b) and (c) above, and whether or not that authority requests wastewater management plan responsibility. If that authority does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the authority performs sewerage-related functions or requests wastewater management plan responsibility.

***12441** (e) Where there is overlap between the districts of two or more authorities that would otherwise have wastewater management plan responsibility for their entire districts under this section, wastewater management plan responsibility in the overlap is assigned by the following criteria:

1. If only one of the authorities is a county utilities authority, only that county utilities authority has wastewater management plan responsibility in the overlap.

2. If none of the authorities is a county utilities authority, and if only one of the authorities is a regional authority, only that regional authority has wastewater management plan responsibility in the overlap.

3. If both of the conditions in (e)1 or 2 above are not met, and if only one of the authorities owns, leases, operates, or maintains a DTW that requires a NJDPES permit, and that is located within or serves all or part of the overlap, then only that authority has wastewater management plan responsibility in the overlap.

4. If none of the conditions in (e)1, 2, or 3 above is met, arrangements shall be made under N.J.A.C. 7:15-5.9 to assign wastewater management plan responsibility in the overlap to a single governmental unit.

(f) For purposes of (e) above, "overlap" exists when the district of one authority is partially or completely within, or identical to, the district of one or more other authorities.

(g) When wastewater management plan responsibility is assigned under (e) above to an authority or other governmental unit that also has wastewater management plan responsibility outside the overlap, the entire geographic area for which the authority or other governmental unit has wastewater management plan responsibility shall constitute a single wastewater management plan area.

Administrative Correction in (e)4: Changed "of" to "or".

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (d), "ORP" was "BWQP".

<General Materials (GM) - References, Annotations, or Tables>

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7:15-5.7 Responsibility of joint meetings

(a) Except as provided in (b) below, every joint meeting has wastewater management plan responsibility for a wastewater management plan area consisting of the entirety of all municipalities that are members of that joint meeting.

(b) No joint meeting has wastewater management plan responsibility for any location that:

1. Is within a wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.6; or

2. Does not generate sewage that is received by any sewerage facilities owned, leased, operated, or maintained by the joint meeting, and is not projected to generate such sewage in the 20 year projection period of the wastewater management plan.

<General Materials (GM) - References, Annotations, or Tables>

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7:15-5.8 Responsibility of municipalities

(a) Except as provided in (e) below, every municipality that performs sewerage-related functions in at least part of the municipality has wastewater management plan responsibility for a wastewater management plan area consisting of the entire municipality.

(b) Except as provided in (c) below, a municipality performs "sewerage-related functions" if the municipality either:

1. Owns, leases, constructs, operates, or maintains any sewerage facilities, under N.J.S.A. 40:63-1 et seq. or other statutes;
2. Is a party to a contract providing for or relating to sewerage facilities under N.J.S.A. 40:63-1 et seq., 40:14A-23, 40:14B-49, 58:27-1 et seq., or other statutes;
3. Has an ordinance under N.J.S.A. 40:63-6 that provides for, establishes, or alters a general system of sewerage;
4. Has an ordinance under N.J.S.A. 40:63-52 requiring buildings to be connected with sewers;
5. Has an ordinance under N.J.S.A. 40:55D-37 requiring approval of either subdivisions or site plans or both;
6. Has a zoning ordinance under N.J.S.A. 40:55D-62 that includes standards for the provision of sewerage facilities;
7. Has a master plan under N.J.S.A. 40:55D-28 that includes a utility service plan element for sewerage and waste treatment;
8. Has a capital improvements program under N.J.S.A. 40:55D-30 that includes sewerage projects;
9. Has an ordinance under N.J.S.A. 40:56-1 for undertaking sewerage improvements as local improvements;

10. Has a sewerage district under N.J.S.A. 40:63-32 through 40 or N.J.S.A. 40A:18-1 et seq.;

***12444** 11. Has granted an unexpired franchise to a public utility to provide sewerage service regulated under N.J.S.A. 48:1-1 et seq.;

12. Has an ordinance regulating sewerage facilities under N.J.S.A. 40:48-2;

13. Is a permittee or co-permittee under N.J.A.C. 7:14A for DTW, or has applied to be such a permittee or co-permittee;

14. Seeks WQM plan amendments for DTW;

15. Receives or seeks to receive Federal or State financial assistance for DTW; or

16. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities, or adopt any of the ordinances, plans, or other programs, listed in (b)1 through 15 above.

(c) The activities listed in (b) above shall not be considered "sewerage-related functions" if they:

1. Pertain solely to sewage that arises on property owned or leased by the municipality, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by that municipality;

2. Are performed by the municipality solely through the agency of an authority or joint meeting; or

3. Pertain solely to stormwater.

(d) The Department may, at any time, send a letter to any municipality, requesting that municipality to declare in writing to the ORP whether or not that municipality performs any sewerage-related functions as discussed under (b) and (c) above. If that municipality does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the municipality performs sewerage-related functions.

(e) No municipality has wastewater management plan responsibility in any wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7.

Administrative Correction to (d): Corrected spelling of declare.

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (d), "ORP" was "BWQP".

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.9, Alternative assignment of wastewater management plan responsibility: general statement

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7:15-5.9 Alternative assignment of wastewater management plan responsibility: general statement

(a) Alternative assignments of wastewater management plan responsibility, different from those set forth in N.J.A.C. 7:15-5.4 through 5.8, shall be made and subsequently changed if and only if such alternative assignments or changes thereto are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4(c) or (g), or as revisions to WQM Plans under N.J.A.C. 7:15-5.13 and N.J.A.C. 7:15-3.5. Amendments or revisions that change alternative assignments may establish different alternative assignments, or may restore wastewater management plan responsibilities set forth in N.J.A.C. 7:15-5.4 through 5.8.

(b) N.J.A.C. 7:15-5.10 through 5.13 identify some but not necessarily all of the alternative assignments of wastewater management plan responsibility that may be adopted as WQM Plan amendments or revisions under (a) above.

(c) Except if specifically provided otherwise in the amendment or revision under (a) above, any wastewater management plan responsibility assigned to a governmental unit under (a) above is in addition to, and does not diminish, any wastewater management plan responsibility which that governmental unit already has under N.J.A.C. 7:15-5.4 through 5.8 or this section.

(d) In deciding whether or not to establish or change alternative assignments of wastewater management plan responsibility under (a) above, consideration shall be given, but not be limited to, the following general principles:

1. The Department shall generally support amendments or revisions that:
 - i. Establish regional wastewater management plan areas;
 - ii. Encourage the development and management of cost-effective, environmentally sound wastewater facilities and wastewater management, including comprehensive regional sewerage facilities and management where appro-

priate;

***12446** iii. Assign, to a governmental unit that will have long-term responsibility to own or operate a DTW that will require a NJPDES discharge permit, the wastewater management plan responsibility for the entire area that is projected to generate sewage that will be conveyed to that governmental unit's DTW;

iv. Assign wastewater management plan responsibility to governmental units rather than to private persons; or

v. Prevent or eliminate geographic overlap of wastewater management plan areas.

2. The Department shall generally oppose amendments or revisions that:

i. The Department considers to be contrary to one or more of the principles expressed in (d)1 above;

ii. Remove wastewater management plan responsibility from a governmental unit or private person, unless another governmental unit or private person already has or receives wastewater management plan responsibility for the subject geographic area;

iii. Include part of a municipality in a wastewater management plan area, but leave the remainder of the municipality outside any wastewater management plan area;

iv. Assign wastewater management plan responsibility, for all or part of a designated planning area, to a designated planning agency that does not want such responsibility at the time the amendment is proposed, except where such assignment is necessary to resolve wastewater management problems that cannot satisfactorily be resolved at other levels;

v. Assign wastewater management plan responsibility, for all or part of a county, to a county planning board that does not request such responsibility; or

vi. Assign wastewater management plan responsibility to the Department, except as a last resort.

(e) The Department may determine that a governmental unit identified under N.J.A.C. 7:15-5.4 through 5.8 is unable to exercise wastewater management plan responsibility effectively. Upon the adoption of such a determination in an amendment to an areawide WQM plan under (a) above, N.J.A.C. 7:15-5.4 through 5.8 shall be administered without regard to the existence of such governmental unit, or other assignments of wastewater management plan responsibility may be made in the amendment. Such a determination may be rescinded in a subsequent amendment to an areawide WQM plan.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.10, Wastewater management plan responsibility as condition for financial assistance

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7:15-5.10 Wastewater management plan responsibility as condition for financial assistance

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit, for the wastewater management plan area identified in that amendment, as a condition of that governmental unit's being eligible to apply for or receive a grant, loan, or other financial assistance for wastewater facilities, if such financial assistance is subject to Department certification or approval.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.11, Wastewater management plan responsibility for complete wastewater service area

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7:15-5.11 Wastewater management plan responsibility for complete wastewater service area

(a) A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit that is, or has applied to be, a permittee or co-permittee under N.J.A.C. 7:14A for a DTW that requires a NJPDES discharge permit, or that owns, leases, or seeks a WQM plan amendment for such a DTW, for the entire area that generates sewage conveyed to that DTW, or that is projected to generate such sewage in the 20 year projection period of the wastewater management plan.

(b) Every wastewater management planning agency automatically assumes wastewater management plan responsibility for any additional sewer service area identified in that wastewater management planning agency's wastewater management plan under N.J.A.C. 7:15-5.18(c)4, upon adoption of that wastewater management plan by the Governor or his designee.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.12, Joint wastewater management plan responsibility

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7:15-5.12 Joint wastewater management plan responsibility

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign joint wastewater management plan responsibility for a unified wastewater management plan area to two or more governmental units that would otherwise have wastewater management plan responsibility for separate but contiguous wastewater management plan areas.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.13, Voluntary establishment of wastewater management plan responsibility

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7:15-5.13 Voluntary establishment of wastewater management plan responsibility

(a) With the consent of the Department and of the parties making and receiving the transfer, wastewater management plan responsibility for all or part of a wastewater management plan area may be transferred from one governmental unit or private person to another.

(b) With the consent of the Department and of the party receiving the assignment, wastewater management plan responsibility may be assigned to a governmental unit or private person for a wastewater management plan area for which no other party has wastewater management plan responsibility under this subchapter.

(c) Transfers or assignments of wastewater management plan responsibility under (a) or (b) above do not require WQM Plan amendments under N.J.A.C. 7:15-3.4, but shall be adopted as WQM Plan revisions under N.J.A.C. 7:15-3.5.

(d) This section shall not be construed to prevent wastewater management plan responsibility from being transferred or assigned by WQM plan amendment under N.J.A.C. 7:15-5.9 and N.J.A.C. 7:15-3.4. Such transfers or assignments may be made without the consent of the affected parties.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.14, District boundaries and related information; joint meeting membership

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7:15-5.14 District boundaries and related information; joint meeting membership

(a) To assist the identification of wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8, the following information shall be submitted in writing to the Department by January 30, 1990:

1. The Passaic Valley Sewerage Commissioners, every sewerage authority, and every municipal authority shall:

i. List each municipality that is entirely within their district;

ii. List each municipality, if any, that is partially within their district; and

iii. Submit a map depicting the boundaries of the district within any municipality listed under (a)1ii above, using 1:24,000, United States Geological Survey quadrangle maps as a base.

2. Every sewerage authority and every municipal authority shall also:

i. Identify the date when each municipality listed under (a)1i or ii above became part of the district of that authority; and

ii. Identify the statute under which the authority was created and the date, if any, when the authority was reorganized under N.J.S.A. 40:14B-6.

3. Every joint meeting shall list the municipalities that are members of that joint meeting.

(b) Whenever a new authority or joint meeting is created, or an existing authority is reorganized under N.J.S.A. 40:14B-6, or the district of an existing authority is modified, or an additional municipality becomes a member of an existing joint meeting, such authority or joint meeting shall, by letter to the ORP, provide or update the information required under (a)2 or 3 above within 120 calendar days of such event.

(c) The Department may at any time request the Passaic Valley Sewerage Commissioners or any authority or joint meeting to update information provided under (a) or (b) above, and such governmental units shall submit such information in writing to the ORP within 120 calendar days of receiving such request.

(d) To assist the identification of wastewater management plan responsibility, the Department may consult other sources of information, including but not limited to resolutions or ordinances filed in the office of the Secretary of State under N.J.S.A. 40:14A-4 or 40:14B-7.

***12452** (e) If an authority or joint meeting cannot identify with reasonable certainty the boundaries of its district or other information required under (a) through (c) above, the authority or joint meeting shall make a written declaration to that effect to the ORP, and shall provide its best estimate. Such estimates, together with any other information obtained under (d) above, shall suffice to define the geographic scope of wastewater management plan responsibility under N.J.A.C. 7:15-5.6 or 5.7.

(f) The Department may exempt a municipal authority from the requirements of this section if that authority makes the declaration identified in N.J.A.C. 7:15-5.6(d).

Administrative Correction to (a).

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (d), "Department" was "BWQP"; in (b), (c) and (e), "ORP" was "BWQP".

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.15, Contents of wastewater management plans; general statement

***12453**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.15 Contents of wastewater management plans; general statement

(a) Each wastewater management plan shall consist of written descriptions and maps of existing and future wastewater-related jurisdictions and wastewater service areas, and of selected environmental features. A wastewater management plan shall also include written descriptions and maps of specified categories of existing and future treatment works, if such treatment works presently exist or are necessary to meet anticipated wastewater management needs. More specific requirements for these written descriptions and maps are set forth in N.J.A.C. 7:15-5.16 through 5.20.

(b) In accordance with N.J.A.C. 7:15-5.16 through 5.20, each wastewater management plan shall address all types of DTW and all methods of domestic wastewater disposal, including but not limited to surface water discharges and ground water discharges, to the extent that such DTW and methods of domestic wastewater disposal presently exist or are necessary to meet anticipated wastewater management needs. In accordance with N.J.A.C. 7:15-5.16 and 5.20, each wastewater management plan shall provide information about specified categories of existing industrial treatment works.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.16, Existing jurisdictions, wastewater service areas, and treatment works

***12454**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.16 Existing jurisdictions, wastewater service areas, and treatment works

(a) Each wastewater management plan shall include maps of existing wastewater jurisdictions, existing wastewater service areas, and any existing treatment works in the categories specified in (a)3 or 5 below. These maps shall depict the following information:

1. The existing boundaries of the wastewater management plan area;
2. The boundaries, within the wastewater management plan area, or within any 20-year sewer service area identified under N.J.A.C. 7:15-5.18(c)4, of the following:
 - i. Any existing districts, and the existing franchise areas for sewerage service of any public utilities; and
 - ii. Any areas within the Hackensack Meadowlands District defined at N.J.S.A. 13:17-4, the Pinelands Area defined at N.J.S.A. 13:18A-11, the Pinelands National Reserve defined at 16 U.S.C. s 471i(c), or the "coastal area" described in N.J.S.A. 13:19-4.
3. The location, within or outside the wastewater management plan area, of each existing treatment works, if any, that is not a sewer or a pumping station, but that receives wastewater that arises within or is conveyed into or through the wastewater management plan area, if such treatment works is:
 - i. A DTW that directly discharges to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities);
 - ii. A DTW that has a design capacity of 2,000 gallons per day or larger, and stores or disposes of sewage by any means; or
 - iii. An industrial treatment works that requires a NJPDES discharge permit and that handles process waste water or sanitary sewage.

4. The location of each existing discharge to surface or ground water from each treatment works mapped within the wastewater management plan area under (a)3 above, and the location of any overflow discharges of sewage within the wastewater management plan area;

***12455** 5. The location of each existing pumping station and major interceptor and trunk sewer, if any, within the wastewater management plan area;

6. Except as provided under (a)9 below, the present sewer service area, within or outside the wastewater management plan area, for each:

i. Each DTW mapped within the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW; and

ii. Each industrial treatment works that is mapped within the wastewater management plan area under (a)3 above, and that serves property other than the property on which the industrial treatment works is located, distinguishing the separate area served by each industrial treatment works.

7. Except as provided under (a)9 below, the present sewer service area, within the wastewater management plan area, for:

i. Each DTW mapped outside the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW; and

ii. Each industrial treatment works that is mapped outside the wastewater management plan area under (a)3 above, and that serves property other than the property on which the industrial treatment works is located, distinguishing the separate area served by each industrial treatment works.

8. Any areas within the wastewater management plan area that, as regards DTW, are presently served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that have a design capacity of less than 20,000 gallons per day, use either subsurface sewage disposal systems or other sewage disposal systems that have no direct discharge to surface water or onto the land surface and do not have aggregate service areas mapped under (a)9 below;

9. The requirements in (a)6 and 7 above do not apply to DTW that are mapped under (a)3ii above, but that have a design capacity of less than 20,000 gallons per day. However, if two or more such DTW, on a single lot or on two or more adjacent lots, in combination have a design capacity of 20,000 gallons per day or larger, the aggregate service area of such DTW

shall be depicted and distinguished from other areas mapped under (a)6 through 8 above.

(b) Each wastewater management plan shall provide the following information, in narrative, outline, or tabular form, for each existing treatment works or each existing DTW, as appropriate, mapped within the wastewater management plan area under (a)3 above:

1. Name and owner of the treatment works;

***12456** 2. Name of any other governmental unit or corporation, if any, responsible for operating the DTW;

3. Location of the treatment works within municipality, county, and WQM planning area, and within any district;

4. NJPDES discharge permit number, if any, for any discharges from the treatment works;

5. Name of NJPDES permittee and any co-permittee under N.J.A.C. 7:14A for any discharges from the DTW;

6. Name and classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters receiving any discharges from the treatment works;

7. Estimate of existing residential population served by the treatment works within and outside the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations;

8. Actual flow of wastewater received by the treatment works, in millions of gallons per day (MGD), expressed as total flow, as estimated flow arising within and outside the wastewater management plan area, and as estimated flow, disaggregated by municipality and attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow; and

9. Existing design capacity of the DTW.

(c) Each wastewater management plan shall include the following information, in narrative, outline, or tabular form, for each existing treatment works mapped outside the wastewater management plan area under (a)3 above:

1. Name and owner of the treatment works;

2. Estimate of existing residential population served by the treatment works within the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and

3. Estimated average flow of wastewater conveyed to the treatment works from the wastewater management plan area, in millions of gallons per day, disaggregated by municipality and expressed as total flow and as estimated flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow.

(d) For a particular treatment works, the Department may waive the disaggregation of flow by municipality or land use under (b)8 and (c)3 above, if it is demonstrated to the satisfaction of the Department that such disaggregation would require data not readily available for that treatment works.

(e) Each wastewater management plan shall state whether or not there are combined sewers in the wastewater management plan area.

***12457** (f) For purposes of (a), (b) and (c) above, "existing" or "present" means existing or present at the time the particular wastewater management plan is being prepared or updated, as the case may be.

<General Materials (GM) - References, Annotations, or Tables>

***12458**

NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.17 Mapping of environmental features

(a) Each wastewater management plan shall include mapping of each of the following environmental features in the wastewater management plan area, and in any additional sewer service area identified in that wastewater management plan under N.J.A.C. 7:15-5.18(c)4:

1. Coastal wetlands that have been mapped by the Department under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.;

2. Other freshwater and estuarine wetlands, based on maps prepared by the Department under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-25c, or if such Department maps are not available, the National Wetlands Inventory maps prepared by the United States Fish and Wildlife Service;

3. Flood prone areas, based on the following information sources in order of preference:

i. Delineations of flood hazard areas made by the Department under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., where such delineations exist;

ii. Delineations of flood hazard areas by the Federal Emergency Management Agency under the National Flood Insurance Program, 42 U.S.C. ss 4001-4128;

4. Public open space and recreation areas that include at least 10 acres of undeveloped land, including:

i. National recreation areas, wildlife refuges, and historical parks administered by the United States Department of the Interior;

ii. State and interstate parks, forests, wildlife management areas, natural areas, and recreation areas administered by the Department or the Palisades Interstate Park Commission; and

iii. County and municipal parks, reservations, preserves, and other

conservation or recreation areas;

5. River areas designated under the New Jersey Wild and Scenic Rivers Act, N.J.S.A. 13:8-45 et seq., or the Federal Wild and Scenic Rivers Act, 16 U.S.C. ss 1278 et seq.;

***12459** 6. Category One Waters, trout production waters, and trout maintenance waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9-4, based on the Department's maps of such waters; and

7. Surface waters, as mapped on USGS quadrangle maps.

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

Deleted (a)3iii, concerning 10-foot contour line specified in repealed N.J.A.C. 7:7E-8.19.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.18, Future wastewater jurisdictions, service areas, and domestic treatment works

***12460**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.18 Future wastewater jurisdictions, service areas, and domestic treatment works

(a) In accordance with the provisions of this section, each wastewater management plan shall include a description of wastewater service areas and DTW necessary to meet anticipated wastewater management needs over a 20-year period. A wastewater management plan may also include such descriptions for shorter or longer periods.

1. Each wastewater management plan shall provide for cost-effective, environmentally sound wastewater management, including existing or new comprehensive regional DTW or regional management where appropriate. Upgrading or expansion of existing regional DTW is generally preferable to construction of additional DTW that would produce additional direct discharges to surface water at new locations.

2. On a case-by-case basis, the Department may require wastewater management planning agencies to examine specific wastewater management alternatives as part of the preparation of the wastewater management plan. The Department may require such examination to include analysis of critical economic, social, environmental, or institutional factors pertaining to such alternatives.

(b) Subject to the requirements, qualifications, and exceptions listed in (b)3 through 8 below, wastewater service areas and DTW shall, to the maximum extent practicable, be identified in such a manner as to provide adequate wastewater service for:

1. Land uses allowed in zoning ordinances that have been adopted and are in effect under N.J.S.A. 40:55D-62; or

2. Future land uses shown in municipal or county master plans that have been adopted and are in effect under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2. If such master plans are used, wastewater service areas and DTW shall, to the maximum extent practicable, be identified in a manner consistent with any sewerage provisions in such master plans.

3. The wastewater management plan shall list all of the zoning ordinances, municipal master plans, or county master plans on which the wastewater management plan is based. If any zoning ordinance is used, the documentation for the wastewater management plan shall include a copy of the map of the districts in that ordinance, and of the regulations in that ordinance which specify the type, density, and intensity of land use allowed in each district. If any master plan is used, documentation for the wastewater management plan shall include a copy of the map of proposed future land uses contained in that master plan, a copy of any text in the master plan which is needed to interpret the map, and a copy of any provisions in the master plan that address sewerage and waste treatment.

***12461** 4. Due regard shall be given to the degree of likelihood that land development allowed in zoning ordinances will occur in the 20-year period, and to any substantial differences between dates associated with future land uses shown in master plans and the dates on which the 20-year periods end.

5. If, for particular locations, a zoning variance under article 9 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., allows land development that would generate more wastewater than would the development allowed in the zoning ordinance or shown in the master plan, then for some or all of those locations the wastewater management plan may be based on the zoning variance rather than on the zoning ordinance or the master plan.

6. If, for particular locations, preliminary or final subdivision or site plan approvals under article 6 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., have allowed land development that would generate more wastewater than would the development allowed in the zoning ordinance or shown in the master plan, then for those locations the wastewater management plan shall be based on such approvals rather than on the zoning ordinance or the master plan.

7. Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

8. The wastewater management plan may be inconsistent with zoning ordinances or master plans for other compelling reasons, provided that the wastewater management plan specifically identifies such inconsistencies and sets forth such reasons with adequate documentation.

(c) Each wastewater management plan shall include maps of future wastewater service areas, and of specified categories of future DTW, that are necessary to meet anticipated wastewater management needs at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above. These maps shall depict the following:

1. The location, within or outside the wastewater management plan area, of each existing, expanded, or new DTW, if any, that would not be a sewer or a pumping station, but that would receive sewage that would arise within or be conveyed into or through the wastewater management plan area, if such DTW would require a NJPDES discharge permit and:

i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger, and store or dispose of sewage by any means;

***12462** 2. The location of each discharge to surface or ground water from each DTW mapped within the wastewater management plan area under (c)1 above;

3. The location of each existing, expanded, or new pumping station and major interceptor and trunk sewer, if any, that would convey sewage within the wastewater management plan area;

4. The sewer service area, within or outside the wastewater management plan area, for each DTW mapped within the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW;

5. The sewer service area, within the wastewater management plan area, for each DTW mapped outside the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW;

6. The area, if any, within the wastewater management plan area that would be served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that would have a design capacity of less than 20,000 gallons per day, and use either subsurface disposal systems or other sewage disposal systems that would have no direct discharge to surface water or onto the land surface; and

7. The area, if any, within the wastewater management plan area that would be served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that would have a design capacity of less than 2,000 gallons per day, and use either subsurface disposal systems or other sewage disposal systems that would have no direct discharge to surface water or onto the land surface.

(d) For each DTW mapped within the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above:

1. Owner and, where known, name of the DTW;
2. Name of any other governmental unit or corporation, if any, to be responsible for operating the DTW;
3. Location of the DTW within municipality, county, and WQM planning area, and within any existing district;
4. Where known, NJPDES permit number for any discharges from the DTW;
5. Name of present or proposed NJPDES permittee and any co-permittee for any discharges from the DTW;
- *12463** 6. Name and present classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters that would receive any discharges from the DTW;
7. Estimate of residential population to be served by the DTW within and outside the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and
8. Estimated average flow of wastewater to be received by the DTW, in millions of gallons per day, disaggregated by municipality and expressed as total flow, as flow arising within and outside the wastewater management plan area, and as flow attributed to each of the following sources: residential, commercial, and industrial.

(e) For each DTW mapped outside the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above:

1. Owner and, where known, name of the DTW;
2. Estimate of residential population to be served by the DTW within the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and
3. Estimated average flow of wastewater to be conveyed to the DTW from the wastewater management plan area, in millions of gallons per day, dis-

aggregated by municipality and expressed as total flow and as flow attributed to each of the following sources: residential, commercial and industrial.

(f) The wastewater management plan shall document the basis for the estimated flows attributed to residential, commercial, and industrial sources under (d)8 and (e)3 above. Where actual, accurate gauging is available for a sewer system already in existence, such gauging shall be used in preparing these flow estimates, with an allowance for future changes in wastewater flow. There shall be a reasonable relationship between these flow estimates and sewer service areas identified under (c)4 and 5 above. There shall be a reasonable relationship, consistent with (b) above, between these sewer service areas and residential, population estimates under (d)7 and (e)2 above. The average domestic flow from new development, exclusive of industrial flows, shall be calculated utilizing the projected flow criteria found at N.J.A.C. 7:14A-23.3. In instances where future specific residential dwelling types are unknown, the residential flow calculation may be computed using 75 gallons per capita per day. No additional provisions for inflow and infiltration shall be made as the above flows include allowances for inflow and infiltration.

***12464** (g) Unless expressly stated otherwise in the wastewater management plan, disaggregations of estimated flows by municipality and land use under (d)8 and (e)3 above shall serve only to document the basis for estimates of total flow under those paragraphs, and shall not constitute legally enforceable flow allocations to those municipalities or land uses.

(h) If the Department has waived under N.J.A.C. 7:15-5.16(d) the disaggregation by municipality or land use of existing flow to a DTW, then the disaggregation of estimated flow by municipality or land use under (d)8 and (e)3 above shall be limited to disaggregation of future changes in wastewater flow to that DTW.

(i) A wastewater management plan may identify specific changes to assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9, or specific changes to 201 facilities planning responsibilities. Such changes shall take effect upon adoption of the wastewater management plan under N.J.A.C. 7:15-3.4. A wastewater management plan may suggest the establishment, modification, or elimination of districts or franchise areas under N.J.S.A. 40:14A-1 et seq., 40:14B-1 et seq., 58:14-1 et seq., or 48:1-1 et seq., but such districts or franchise areas shall be established, modified or eliminated only in the manner provided by law. Inclusion of such suggestions in an adopted wastewater management plan does not, by itself, accomplish such establishment, modification, or elimination.

Administrative Correction to (e)3 and (f).

See: 22 N.J.R. 2001(b).

Administrative Correction to (f): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

Amended by R.1994 d.278, effective June 6, 1994.

See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b).

<General Materials (GM) - References, Annotations, or Tables>

ANNOTATIONS

CASE NOTES

Exclusion of landowner's property from waste water management plan and changing applicable zoning classifications was preservation of rural lifestyle and agriculture as economically viable business was supported by state plan that targeted area to remain rural, even though denial of sewer access conflicted with township's master plan and zoning ordinances that contemplated commercial and industrial uses for area. Sod Farm Associates v. Springfield Tp. Planning Bd., 297 N.J.Super. 584, 688 A.2d 1058 (A.D.1996), certification denied. Copyright (c) West Group 1998 No claim to original U.S. Govt. works

NJAC 7:15-5.19, Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas

***12465**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.19 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas

(a) In sewer service areas depicted under N.J.A.C. 7:15-5.18(c)4 or 5, a wastewater management plan may require the construction of DTW identified in N.J.A.C. 7:15-4.4(a)1 or 2 to be accompanied by construction of collection system sewers that would be used when the depicted sewer service becomes available. This requirement shall exist only if it is specifically stated in the wastewater management plan.

(b) A wastewater management plan shall require that individual subsurface sewage disposal systems for individual residences can be constructed in depicted sewer service areas only if legally enforceable guarantees are provided before such construction that use of such systems will be discon-

tinued when the depicted sewer service becomes available.

(c) A wastewater management plan shall not apply requirements under (a) or (b) above to individual subsurface sewage disposal systems that do not require certifications from the Department under N.J.S.A. 58:11-25.1 or individual permits from the Department under N.J.A.C. 7:14A, unless that wastewater management plan includes adequate arrangements for enforcement of such requirements by one or more substate governmental units.

(d) Estimated wastewater flows under N.J.A.C. 7:15-5.18(d)8 and (e)3 shall include flows that will be received when use of DTW identified in N.J.A.C. 7:15-4.4(a)1 and 2 is discontinued when depicted sewer service becomes available.

Administrative Correction to (b): Deleted septic.

See: 22 N.J.R. 2001(b).

<General Materials (GM) - References, Annotations, or Tables>

***12466**

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TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.20 Specifications for text and graphics

(a) Wastewater management plans should be concise, using the minimum feasible narrative and mapping. All pages, tables, and figures in wastewater management plans shall be legible and numbered.

(b) All maps in wastewater management plans shall use 1:24,000 scale United States Geological Survey quadrangle maps as a base, except that other maps at other scales may be provided as supplements. Each wastewater management plan shall include the following main maps at 1:24,000 scale:

1. A map depicting the existing boundaries of the wastewater management plan area and the existing treatment works and service areas identified under N.J.A.C. 7:15-5.16(a)3 through 9;

2. A map depicting future DTW and service areas identified at the end of the 20-year period under N.J.A.C. 7:15-5.18(c)1 through 6 and a corresponding map for any shorter or longer period identified under N.J.A.C. 7:15-5.18(a). Wherever feasible, the boundaries of future service areas shall coincide with recognizable geographic or political features. The existing boundaries of the wastewater management plan area shall also be depicted on any map under this paragraph; and

3. One or more maps depicting the existing boundaries of the wastewater management plan area, and the environmental features identified under N.J.A.C. 7:15-5.17. This map shall also state that development in areas mapped as wetlands, flood prone areas, or designated river areas may be subject to special regulation under Federal or State statutes or rules, and that interested persons should check with the Department for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

***12467** (c) Any other mapping required by N.J.A.C. 7:15-5.16 through 5.18 may be included on one or more of the main maps listed in (b) above, or on other 1:24,000 scale maps.

<General Materials (GM) - References, Annotations, or Tables>

NJAC 7:15-5.21, Geographic overlap between wastewater management plans prohibited

***12468**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
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SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS**

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.21 Geographic overlap between wastewater management plans prohibited

(a) After the effective date of this subchapter, the Governor or his designee shall not adopt a wastewater management plan that maps, under N.J.A.C. 7:15-5.18(c)1 or 4, any DTW or sewer service area outside the existing wastewater management plan area for that wastewater management plan, so long as that DTW or sewer service area is within a separate wastewater management plan area for which a separate, adopted wastewater management plan is in effect.

(b) To avoid geographic overlap prohibited by (a) above, existing assignments of wastewater management plan responsibility may be changed under N.J.A.C. 7:15-5.9, and adopted wastewater management plans may be amended or repealed under N.J.A.C. 7:15-3.4.

<General Materials (GM) - References, Annotations, or Tables>

***12469**

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.22 Consultation and consent for wastewater management plans

(a) Every wastewater management planning agency that prepares a wastewater management plan, and every governmental unit or other person that prepares an amendment to a wastewater management plan, shall, during such preparation, notify and seek comments from and offer to confer with:

1. All governmental units that have regulatory or planning jurisdiction over wastewater or land use in that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4. Such governmental units shall include, but not be limited to: designated planning agencies, wastewater management planning agencies, county planning boards, municipal governing bodies and planning boards, sewerage authorities, municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the Hackensack Meadowlands Development Commission, the Pinelands Commission, and the Delaware River Basin Commission, as appropriate.

2. All governmental units and public utilities, and all vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act", N.J.S.A. 58:27-1 et seq., that:

i. Own, lease, operate, or maintain DTW that receive wastewater that arises within, or that is conveyed into or through, that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4;

ii. Are parties to contracts for such DTW;

iii. Are permittees or co-permittees under N.J.A.C. 7:14A for such DTW;
or

iv. Are projected in a draft or previously adopted wastewater management plan for that wastewater management plan area to perform activities listed in (a)2 i, ii or iii above.

***12470** 3. The criteria in (a)2 i through iv above are exclusive of

collection facilities for sewage that arises only on nonresidential property owned or leased by the governmental unit, public utility, or vendor.

(b) Under N.J.A.C. 7:15-3.4(d)3 and (g)4, written statements of consent for wastewater management plans shall generally be requested from, at a minimum, the governing bodies of each of the governmental entities and sewerage agencies that are required to be notified under (a) above.

(c) Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are also subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (b): "written statements of consent" was "endorsements".

<General Materials (GM) - References, Annotations, or Tables>

***12471**

NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 15. WATER QUALITY MANAGEMENT PLANNING
SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

Current through June 15, 1998; 30 N.J. Reg. No. 12

7:15-5.23 Schedule for submission of wastewater management plans

(a) Each wastewater management planning agency shall periodically prepare and submit wastewater management plans as requests to amend areawide WQM plans under N.J.A.C. 7:15-3.4. The first such submission shall be made in accordance with the schedule established in (b) through (e) below. Thereafter, an updated wastewater management plan shall be submitted at least once every six years from the date of the previous submission. Alternative schedules for submission of wastewater management plans may be established and changed under (f) or (g) below. Early submissions of wastewater management plans may also be made under (j) below.

(b) The following governmental units shall submit wastewater management plans by October 2, 1990 or within 12 months after the creation of the governmental unit, whichever is later, if such units have wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7:

1. Designated planning agencies;
2. The Passaic Valley Sewerage Commissioners;
3. County utilities authorities;
4. Regional authorities; and
5. Multi-county joint meetings.

(c) Other sewerage authorities, municipal authorities, joint meetings, and municipalities that have wastewater management plan responsibility under N.J.A.C. 7:15-5.6 through 5.8 shall submit wastewater management plans during the period specified in the following table or within 12 months of the creation of the governmental unit, whichever is later:

Table I	
Wastewater Management Plan Submission Schedule	
Location of Wastewater Management Plan	Period of Submission
Burlington, Cape May, Middlesex, Ocean, Passaic, and	October 3, 1990 through

Union Counties	October 2, 1991
*12472 Atlantic, Morris, Salem, Sussex, and Warren Counties	October 3, 1991 through October 2, 1992
Bergen, Essex, Gloucester, Hunterdon, and Monmouth Counties	October 3, 1992 through October 2, 1993
Camden, Cumberland, Hudson, Mercer, and Somerset Counties	October 3, 1993 through October 2, 1994

(d) Notwithstanding the schedule in (b) and (c) above, if an entire wastewater management plan area is already addressed by one or more wastewater management plans identified in N.J.A.C. 7:15-5.2, the governmental unit that has wastewater management plan responsibility for that wastewater management plan area under N.J.A.C. 7:15-5.4 through 5.8 shall submit an updated wastewater management plan for that wastewater management plan area between October 3, 1994 through October 2, 1995, or within 12 months of the creation of the governmental unit, whichever is later.

(e) Each WQM plan amendment or WQM plan revision that makes or changes alternative assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9 shall include a schedule for submission of the corresponding wastewater management plan. This requirement does not apply to automatic expansions of wastewater management plan areas under N.J.A.C. 7:15-5.11(b).

(f) Alternative schedules for submission of wastewater management plans, different from those set forth under (a) through (e) above, shall be established and subsequently changed only if such alternative schedules or changes thereto are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, or as revisions to WQM plans under (g) below. Amendments or revisions that change alternative schedules may establish different alternative schedules, or, where reasonable, may restore schedules set forth under (a) through (e) above. Reasons that may justify the establishment or changing of alternative schedules include, but are not limited to:

1. Coordination of wastewater management plans with the preparation of municipal or county master plans under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2, or with reexaminations under N.J.S.A. 40:55D-89;

- *12473** 2. Coordination between adjacent wastewater management plan areas;

3. The need for additional time to perform specific examinations required under N.J.A.C. 7:15-5.18(a)2;

4. Coordination of wastewater management plans with the schedules of the NJPDES programs or of financial assistance programs under N.J.A.C. 7:22; and

5. The need to stagger the submission of wastewater management plans so that the Department can better manage its corresponding workload under

N.J.A.C. 7:15-3.4.

(g) With the consent of the Department and the wastewater management planning agency, an alternative schedule for submission of wastewater management plans may be established and changed by a WQM plan revision under N.J.A.C. 7:15-3.5, rather than by a WQM plan amendment under N.J.A.C. 7:15-3.4.

(h) The Department may at any time request a wastewater management planning agency to submit written reports on the progress that such agency is making in meeting its wastewater management plan responsibility. Such agency shall submit such reports to the ORP within 90 calendar days of receiving such requests.

(i) Each wastewater management plan that updates one or more already existing wastewater management plan shall comply with N.J.A.C. 7:15-5.20 and include:

1. Updated maps and descriptions of the then existing wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.16;

2. Updated maps of environmental features under N.J.A.C. 7:15-5.17;
and

3. Updated maps and descriptions of future wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.18, with due regard to changes in factors discussed in that section, such as adoption of new or amended zoning ordinances or municipal or county master plans.

(j) At the written request of a person who seeks a WQM plan amendment that requires a wastewater management plan under N.J.A.C. 7:15-5.1(a), a wastewater management planning agency may submit a wastewater management plan at any time prior to the period when such submission is required under (b) through (g) above. The establishment of an alternative schedule under (f) or (g) above is not required for such early submission.

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Administrative Correction to Table 1 and (d): Inserted correct dates.

See: 22 N.J.R. 2001(b).

Administrative Correction to (d): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (h), "ORP" was "BWQP".

<General Materials (GM) - References, Annotations, or Tables>

ANNOTATIONS

CASE NOTES

Staggering submission dates does not give rise to equal protection complaint. New Jersey Builders Ass'n v. Fenske, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).

Staggered submission plan is not unconstitutional taking of property. New Jersey Builders Ass'n v. Fenske, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).